REMARKS

I. Status Summary

Claims 1-6, 9-13, 16-18, 21-24, 27-32, 35-37, 39-42, and 44-58 are pending in the present application. Claims 1, 3-6, 9, 11-13, 16, 18, 21, 23, 24, 28, 29, 31, 32, 36, 41, 48, and 50 have been amended. Therefore, upon entry of this Amendment, Claims 1-6, 9-13, 16-18, 21-24, 27-32, 35-37, 39-42, and 44-58 will be pending. No new matter has been introduced by the present amendment. Reconsideration of the application as amended and based on the arguments set forth hereinbelow is respectfully requested.

II. Claim Objections

The Examiner has objected to Claim 29 because of a typographical error in line 4 of Claim 29. (Official Action, page 2.) Specifically, the Examiner stated that the phrase "a controller for indicating calculating..." does not make sense as written. Claim 29 has been amended to delete the word "calculating" in the phrase "a controller for indicating calculating". (Official Action, page 2.) Applicants respectfully submit that Claim 29 is now understandable and in proper form. Accordingly, applicants request that the Examiner withdraw the objection to Claim 29.

III. Claim Rejections Under 35 U.S.C. §102

The Examiner has rejected Claims 1, 3-5, 9, 11-13, 21, 23, 24, 27-29, 31, 32, 35, 36, 41, 42, 48, and 50 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,096,180 to Nagaoka et al. (hereinafter, "Nagaoka"). In addition, the

Examiner has rejected Claims 1, 3, 5, 9, 11-13, 21, 23, 27-29, 31, 35, and 36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,915,690 to Surya (hereinafter, "Surya"). The Examiner has also rejected Claims 1, 3-5, 9, 11-13, 21, 23, 24, 27-29, 31-36, 48, and 50 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,000,871 to Fisher, Sr. (hereinafter, "Fisher"). These rejections are respectfully traversed.

III.A. Rejection Under 35 U.S.C. § 102(b) As Being Anticipated by Nagaoka

As stated above, the Examiner has rejected Claims 1, 3-5, 9, 11-13, 21, 23, 24, 27-29, 31, 32, 35, 36, 41, 42, 48, and 50 under 35 U.S.C. § 102(b) as being anticipated by Nagaoka. Upon careful consideration and review of Nagaoka, applicants respectfully submit that Nagaoka does not disclose each and every element of the presently claimed subject matter and therefore does not anticipate the presently claimed subject matter. Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. Summarily, Nagaoka does not disclose each and every element recited in Claim 1.

The Examiner contends that Nagaoka teaches the features of original Claim 1 at column 8, lines 47+, and column 11, lines 28+. (Official Action, pages 2 and 3.)

Referring to column 8, lines 47-52, of Nagaoka, a paper cassette is described including a means for sensing the thickness of the paper in the cassette. According to another aspect described in Nagaoka, a recording paper residue means **50** detects the residual quantity of sheets of recording paper **40** consumed by an image recording operation. (Nagaoka, column 11, lines 45-47.) A CPU **70** calculates the quantity of consumption of sheets of recording paper **40** necessary for execution of the recording operation designated by the operator. (Nagaoka, column 11, lines 48-50.) Next, CPU **70** compares the residual quantity of the sheets of recording paper **40** detected by recording paper residue detection means **50** and the quantity of consumption of the sheets of recording paper **40** calculated by CPU **70**. (Nagaoka, column 11, lines 51-55.) The result of the comparison is displayed on a display **8** so that the operator can determine whether or not the sheets of recording paper **40** necessary for carrying out the operation exists in the apparatus. (Nagaoka, column 11, lines 55-58.)

In contrast, Claim 1 recites detecting a first size of a group of resource units, and indicating when the group of resource units reaches a predetermined second size after a portion of the resource units has been removed from the group and responsive to a determination of thickness of the portion of the resource units. Nagaoka fails to teach detecting the size of recording paper **40** and determining a thickness of a portion of recording paper **40**. Further, Nagaoka fails to indicate when recording paper **40** reaches a predetermined second size of recording paper **40** after the determined portion of recording paper **40** has been removed from the group and responsive to the determination of thickness of the portion of the resource units. Rather, Nagaoka

detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantity of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. Nagaoka does not teach indicating when a group of resources reaches a predetermined second size based on determining the thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 1 should be withdrawn.

Claims 3-5 depend from Claim 1. Therefore, the comments presented above relating to Claim 1 apply equally to Claims 3-5. Accordingly, applicants respectfully submit that Claims 3-5 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 1.

Claim 9 has been amended to recite a method of monitoring resource units in a group of resource units including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Nagaoka does not disclose each and every element recited in Claim 9.

As stated above, Nagaoka teaches comparing a residual quantity of sheets of recording paper **40** and the quantity of consumed sheets of recording paper **40**. In contrast to the teachings of Nagaoka, Claim 9 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the

portion of the resource units has been removed from the group. <u>Nagaoka</u> fails to teach detecting the size of recording paper **40** and indicating when the same stack of recording paper **40** reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper **40**. Rather, <u>Nagaoka</u> detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. <u>Nagaoka</u> does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 9 should be withdrawn and the claim allowed.

Claims 11-13 depend from Claim 9. Therefore, the comments presented above relating to Claim 9 apply equally to Claims 11-13. Accordingly, applicants respectfully submit that Claims 11-13 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 9.

Claim 21 recites a system for monitoring resource units in a stack. In addition, Claim 21 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; (2) a device for measuring a thickness of a portion of the resource units; and (3) an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed

from the group. Summarily, Nagaoka does not disclose each and every element recited in Claim 21.

As stated above, Nagaoka teaches an apparatus for comparing a residual quantity of sheets of recording paper **40** and the quantity of consumed sheets of recording paper **40**. In contrast, Claim 21 recites a measurement detector for detecting a first size of the group of resource units. In addition, Claim 21 recites a device for measuring a thickness of a portion of the resource units. Claim 21 also recites an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Nagaoka fails to teach that the apparatus detects the size of recording paper **40** and indicates when the same stack of recording paper **40** reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper **40**. Rather, Nagaoka detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. Nagaoka does not teach a system having an indicator for indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 21 should be withdraw.

Claims 23, 24, 27, and 28 depend from Claim 21. Therefore, the comments presented above relating to Claim 21 apply equally to Claims 23, 24, 27, and 28.

Accordingly, applicants respectfully submit that Claims 23, 24, 27, and 28 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 21.

Claim 29 recites a system for monitoring resource units in a group of resource units. In addition, Claim 29 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Nagaoka does not disclose each and every element recited in Claim 29.

As stated above, Nagaoka teaches an apparatus for comparing a residual quantity of sheets of recording paper 40 and the quantity of consumed sheets of recording paper 40. In contrast, Claim 29 recites a measurement detector for detecting a first size of the group of resource units. In addition, Claim 29 recites a controller for indicating when the resource units reach a predetermined second size based on a thickness determination of a portion of the resource units. Nagaoka fails to teach that the apparatus detects the size of recording paper 40 and indicates when the same stack of recording paper 40 reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper 40. Rather, Nagaoka detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper 40 necessary for a recording operation is available. Nagaoka does not teach a

system having an a controller that indicates when a group of resource units reaches a predetermined second size after a portion of the resource units has been removed and based upon the thickness of the portion of the resource units. In light of the above, applicants respectfully submit that this rejection of Claim 29 should be withdrawn and the claim allowed.

Claims 31, 32, 35, and 36 depend from Claim 29. Therefore, the comments presented above relating to Claim 29 apply equally to Claims 31, 32, 35, and 36. Accordingly, applicants respectfully submit that Claims 31, 32, 35, and 36 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 29.

Claim 41 recites a computer program product for monitoring resource units in a stack. Further, Claim 41 has been amended to recite the following: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Nagaoka does not disclose each and every element recited in Claim 41.

As stated above, Nagaoka teaches comparing a residual quantity of sheets of recording paper **40** and the quantity of consumed sheets of recording paper **40**. In contrast to the teachings of Nagaoka, Claim 41 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the

portion of the resource units has been removed from the group. Nagaoka fails to teach detecting the size of recording paper **40** and indicating when the same stack of recording paper **40** reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper **40**. Rather, Nagaoka detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. Nagaoka does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 41 should be withdrawn and the claim allowed.

Claim 42 depend from Claim 41. Therefore, the comments presented above relating to Claim 41 apply equally to Claim 42. Accordingly, applicants respectfully submit that Claim 42 should be allowed and the rejection withdrawn for the same reasons provided above for Claim 41.

Claim 48 recites a method of monitoring resource units in a group. Further, Claim 48 has been amended to recite the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness in step (2). Summarily, Nagaoka does not disclose each and every element recited in Claim 48.

As stated above, Nagaoka teaches comparing a residual quantity of sheets of recording paper **40** and the quantity of consumed sheets of recording paper **40**. In contrast to the teachings of Nagaoka, Claim 48 recites detecting a first size of a group of resource units, and indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. Nagaoka fails to teach detecting the size of recording paper **40** and indicating when the same stack of recording paper **40** reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper **40**. Rather, Nagaoka detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. Nagaoka does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 48 should be withdrawn and the claim allowed.

Claim 50 has been amended to recite a method of monitoring resource units in a group of resource units including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Nagaoka does not disclose each and every element recited in Claim 50.

As stated above, Nagaoka teaches comparing a residual quantity of sheets of recording paper **40** and the quantity of consumed sheets of recording paper **40**. In contrast to the teachings of Nagaoka, Claim 50 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Nagaoka fails to teach detecting the size of recording paper **40** and indicating when the same stack of recording paper **40** reaches a predetermined second size based upon a thickness of a portion of the stack of recording paper **40**. Rather, Nagaoka detects a residual quantity of sheets used by a recording operation and a consumed quantity of sheets. These two quantities of sheets are used to determine whether recording paper **40** necessary for a recording operation is available. Nagaoke does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 50 should be withdrawn and the claim allowed.

III.B. Rejection Under 35 U.S.C. § 102(b) As Being Anticipated by Surya

As stated above, the Examiner has rejected Claims 1, 3, 5, 9, 11-13, 21, 23, 27-29, 31, 35, and 36 under 35 U.S.C. § 102(b) as being anticipated by Surya. Upon careful consideration and review of Surya, applicants respectfully submit that Surya does not disclose each and every element of the presently claimed subject matter and

therefore does not anticipate the presently claimed subject matter. As stated above, Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. Summarily, Surya does not disclose each and every element recited in Claim 1.

The Examiner contends that Surya teaches the features of original Claim 1 at column 4, lines 38+. (Official Action, page 8.) Referring to column 4, line 36, to column 5, line 2, of Surya, a description is provided of depletion of paper and the operation of a low paper condition signal of a sensor. As paper is withdrawn from a paper tray 34, a stack of paper 56 in tray 34 decreases in height and an arm member 28 will track the height by remaining in constant contact with the upper sheet of the paper. (Surya, column 4, lines 38-41.) When the stack height is low enough, movement of arm member 28 can cause completion of a circuit such as an optical sensor 58 for indicating a low paper condition. (Surya, column 4, lines 50-55.) Lights or warnings are given when the paper height has reached a level corresponding to the low paper condition. (Surya, column 4, lines 62-65.) In contrast, Claim 1 recites detecting a first size of a group of resource units, and indicating when the group of resource units reaches a predetermined second size after a portion of the resource units has been removed from the group and responsive to a determination of thickness of the portion

of the resource units. <u>Surya</u> fails to teach indicating when the group of resource units reaches a predetermined second size after a portion of the resource units has been removed from the group and responsive to a determination of thickness of the portion of the resource units. Arm member **28** disclosed by <u>Surya</u> is used to indicate when a low condition occurs. Member **28** is not used for detecting a first size of a group of resource units, and indicating when the group of resource units reaches a predetermined second size after a portion of the resource units has been removed from the group and responsive to a determination of thickness of the portion of the resource units. In light of the above, applicants respectfully submit that this rejection of Claim 1 should be withdrawn and the claim allowed.

Claims 3 and 5 depend from Claim 1. Therefore, the comments presented above relating to Claim 1 apply equally to Claims 3 and 5. Accordingly, applicants respectfully submit that Claims 3 and 5 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 1.

Claim 9 has been amended to recite a method of monitoring resource units in a group of resource units including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, <u>Surya</u> does not disclose each and every element recited in Claim 9.

As stated above, <u>Surya</u> teaches utilizing arm member **28** for tracking a stack height and causing a circuit to indicate a low paper condition. In contrast to the

teachings of <u>Surya</u>, Claim 9 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. <u>Surya</u> fails to teach detecting the size of a stack and indicating when the same stack reaches a predetermined second size based upon a thickness of a portion of the stack. In light of the above, applicants respectfully submit that this rejection of Claim 9 should be withdrawn and the claim allowed.

Claims 11-13 depend from Claim 9. Therefore, the comments presented above relating to Claim 9 apply equally to Claims 11-13. Accordingly, applicants respectfully submit that Claims 11-13 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 9.

As stated above, Claim 21 recites a system for monitoring resource units in a stack. In addition, Claim 21 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; (2) a device for measuring a thickness of a portion of the resource units; and (3) an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, <u>Surya</u> does not disclose each and every element recited in Claim 21.

As stated above, <u>Surya</u> teaches arm member **28** for tracking a stack height and causing a circuit to indicate a low paper condition. In contrast, Claim 21 recites a

measurement detector for detecting a first size of the group of resource units, and a device for measuring a thickness of a portion of the resource units. Claim 21 also recites an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Surya fails to teach detecting the size of a group of resources and indicating when the same group of resources reaches a predetermined second size based upon a thickness of a portion of the group of resources. Surya does not teach a system having an indicator for indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. Because Surya does not teach a system having an indicator for indicating when a group of resources reaches a predetermined second size based on determining the thickness of a portion of the group of resources, applicants respectfully submit that this rejection of Claim 21 should be withdrawn and the claim allowed.

Claims 23, 27, and 28 depend from Claim 21. Therefore, the comments presented above relating to Claim 21 apply equally to Claims 23, 27, and 28. Accordingly, applicants respectfully submit that Claims 23, 27, and 28 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 21.

Claim 29 recites a system for monitoring resource units in a group of resource units. In addition, Claim 29 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for

indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Surya does not disclose each and every element recited in Claim 29.

As stated above, Surya teaches arm member **28** for tracking a stack height and causing a circuit to indicate a low paper condition. In contrast, Claim 29 recites a measurement detector for detecting a first size of the group of resource units, and a controller for indicating when the resource units reach a predetermined second size based on a thickness determination of a portion of the resource units. Surya fails to teach that arm member **28** or any other device detects the size of a group of resources and indicates when the same group of resource units reaches a predetermined second size based upon a thickness of a portion of the group of resource units. In light of the above, applicants respectfully submit that this rejection of Claim 29 should be withdrawn and the claim allowed.

Claims 31, 35, and 36 depend from Claim 29. Therefore, the comments presented above relating to Claim 29 apply equally to Claims 31, 35, and 36. Accordingly, applicants respectfully submit that Claims 31, 35, and 36 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 29.

III.C. Rejection Under 35 U.S.C. § 102(b) As Being Anticipated by Fisher

As stated above, the Examiner has rejected Claims 1, 3-5, 9, 11-13, 21, 23, 24, 27-29, 31-36, 48, and 50 under 35 U.S.C. § 102(b) as being anticipated by Fisher. Upon careful consideration and review of Fisher, applicants respectfully submit that Fisher does not disclose each and every element of the presently claimed subject matter and therefore does not anticipate the presently claimed subject matter. As stated above, Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. Summarily, Fisher does not disclose each and every element recited in Claim 1.

The Examiner contends that Fisher teaches the features of original Claim 1 at column 6, line 43, to column 7, line 36. (Official Action, page 11.) Referring to column 6, lines 43-45, Fisher discloses an indicator 330 responsive to an amount of sheets 30 disposed in a tray 220. An arm 340 moves as the height of stack 40 decreases and can cause a light to indicate a "low height" or "no height" condition of stack 40. (Fisher, column 6, lines 51-61.) Fisher fails to teach indicating when the group of resource units reaches a predetermined second size after a portion of the resource units has been removed from the group and responsive to a determination of thickness of the portion of the resource units. Arm 340 of Fisher is utilized to indicate a low or no

height condition in response to the movement of the stack. Fisher does not disclose indicating a stack height in response to the determined thickness of the sheets. In light of the above, applicants respectfully submit that this rejection of Claim 1 should be withdrawn and the claim allowed.

Claims 3-5 depend from Claim 1. Therefore, the comments presented above relating to Claim 1 apply equally to Claims 3-5. Accordingly, applicants respectfully submit that Claims 3-5 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 1.

Claim 9 has been amended to recite a method of monitoring resource units in a group of resource units including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Fisher does not disclose each and every element recited in Claim 9.

As stated above, Fisher teaches utilizing arm **340** for moving along the height of stack **40** to indicate a "low height" or "no height" condition of stack **40**. In contrast to the teachings of Fisher, Claim 9 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Fisher fails to teach detecting the size of a stack and indicating when the same stack reaches a predetermined second size based upon a thickness of a portion of the stack. Fisher does not teach indicating

when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 9 should be withdrawn and the claim allowed.

Claims 11-13 depend from Claim 9. Therefore, the comments presented above relating to Claim 9 apply equally to Claims 11-13. Accordingly, applicants respectfully submit that Claims 11-13 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 9.

Claim 21 recites a system for monitoring resource units in a stack. In addition, Claim 21 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; (2) a device for measuring a thickness of a portion of the resource units; and (3) an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Fisher does not disclose each and every element recited in Claim 21.

As stated above, Fisher teaches utilizing arm **340** for moving along the height of stack **40** to indicate a "low height" or "no height" condition of stack **40**. In contrast to the teachings of Fisher, Claim 21 recites a measurement detector for detecting a first size of the group of resource units, and a device for measuring a thickness of a portion of the resource units. Claim 21 also recites an indicator for indicating, responsive to the determination of thickness from said device, when the group of resource units

reaches a predetermined second size after the portion of the resource units has been removed from the group. Fisher fails to teach detecting the size of a group of resources and indicating when the same group of resources reaches a predetermined second size based upon a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 21 should be withdrawn and the claim allowed.

Claims 23, 24, 27, and 28 depend from Claim 21. Therefore, the comments presented above relating to Claim 21 apply equally to Claims 23, 24, 27, and 28. Accordingly, applicants respectfully submit that Claims 23, 24, 27, and 28 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 21.

Claim 29 recites a system for monitoring resource units in a group of resource units. In addition, Claim 29 has been amended to recite: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, Fisher does not disclose each and every element recited in Claim 29.

As stated above, Fisher teaches utilizing arm **340** for moving along the height of stack **40** to indicate a "low height" or "no height" condition of stack **40**. In contrast, Claim 29 recites a measurement detector for detecting a first size of the group of resource units, and a controller for indicating when the resource units reach a

predetermined second size based on a thickness determination of a portion of the resource units. Fisher fails to teach that utilizing arm **340** or any other device detects the size of a group of resources and indicates when the same group of resource units reaches a predetermined second size based upon a thickness of a portion of the group of resource units. Fisher does not teach a system having an a controller that indicates when a group of resource units reaches a predetermined second size after a portion of the resource units has been removed and based upon the thickness of the portion of the resource units. In light of the above, applicants respectfully submit that this rejection of Claim 29 should be withdrawn and the claim allowed.

Claims 31, 32, 35, and 36 depend from Claim 29. Therefore, the comments presented above relating to Claim 29 apply equally to Claims 31, 35, and 36. Accordingly, applicants respectfully submit that Claims 31, 35, and 36 should be allowed and the rejections withdrawn for the same reasons provided above for Claim 29.

Claim 48 recites a method of monitoring resource units in a group. Further, Claim 48 has been amended to recite the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness in step (2). Summarily, Fisher does not disclose each and every element recited in Claim 48.

As stated above, <u>Fisher</u> teaches utilizing arm **340** for moving along the height of stack **40** to indicate a "low height" or "no height" condition of stack **40**. In contrast to the teachings of <u>Fisher</u>, Claim 48 recites detecting a first size of a group of resource units, and indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. <u>Fisher</u> fails to teach detecting the size of stack **40** and indicating when the same stack **40** reaches a predetermined second size based upon a thickness of a portion of the stack of stack **40**. <u>Fisher</u> does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 48 should be withdrawn and the claim allowed.

Claim 50 has been amended to recite a method of monitoring resource units in a group of resource units including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Summarily, <u>Fisher</u> does not disclose each and every element recited in Claim 50.

As stated above, <u>Fisher</u> teaches utilizing arm **340** for moving along the height of stack **40** to indicate a "low height" or "no height" condition of stack **40**. In contrast to the teachings of <u>Fisher</u>, Claim 50 recites detecting a first size of a group of resource units, and indicating, based upon thickness of a portion of the resource units, when the

group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. Fisher fails to teach detecting the size of stack **40** and indicating when the same stack **40** reaches a predetermined second size based upon a thickness of a portion of stack **40**. Fisher does not teach indicating when a group of resources reaches a predetermined second size based on a thickness of a portion of the group of resources. In light of the above, applicants respectfully submit that this rejection of Claim 50 should be withdrawn and the claim allowed.

IV. Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 2, 10, 22, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka. The Examiner has also rejected Claims 2, 6, 10, 22, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Surya. Further, the Examiner has also rejected Claims 2, 10, 22, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Fisher. These rejections are respectfully traversed.

IV.A. The Rejection Under 35 U.S.C. § 103 as Being Unpatentable Over

Nagaoka

Claims 2, 10, 22, and 30 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka. This rejection is respectfully traversed.

Claim 2 depends from Claim 1. As stated above, Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1)

detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. As discussed above, Nagaoka does not disclose each and every element recited in Claim 1. In addition, applicants respectfully submit that Nagaoka does not suggest the elements recited in Claim 1. Claim 2 depends from Claim 1 and therefore includes the features of Claim 1. As such, applicants submit that Claim 2 should be allowable over Nagaoka.

Claim 10 depends from Claim 9. As stated above, Claim 9 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, Nagaoka does not disclose each and every element recited in Claim 9. In addition, applicants respectfully submit that Nagaoka does not suggest the elements recited in Claim 9. Claim 10 depends from Claim 9 and therefore includes the features of Claim 9. As such, applicants submit that Claim 10 should be allowable over Nagaoka.

Claim 22 depends from Claim 21. As stated above, Claim 21 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based

upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, <u>Nagaoka</u> does not disclose each and every element recited in Claim 21. In addition, applicants respectfully submit that <u>Nagaoka</u> does not suggest the elements recited in Claim 21. Claim 22 depends from Claim 21 and therefore includes the features of Claim 21. As such, applicants submit that Claim 22 should be allowable over <u>Nagaoka</u>.

Claim 30 depends from Claim 29. As stated above, Claim 29 has been amended to recite a method of monitoring units in a group including the following steps: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. In light of the above, <u>Nagaoka</u> does not disclose each and every element recited in Claim 29. In addition, applicants respectfully submit that <u>Nagaoka</u> does not suggest the elements recited in Claim 29. Claim 30 depends from Claim 29 and therefore includes the features of Claim 29. As such, applicants submit that Claim 30 should be allowable over <u>Nagaoka</u>.

<u>IV.B. The Rejection Under 35 U.S.C. § 103 as Being Unpatentable Over</u>

<u>Surya</u>

Claims 2, 6, 10, 22, and 30 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over <u>Surya</u>. This rejection is respectfully traversed.

Claims 2 and 6 depend from Claim 1. As stated above, Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. As discussed above, <u>Surya</u> does not disclose each and every element recited in Claim 1. In addition, applicants respectfully submit does not suggest the elements recited in Claim 1. Claims 2 and 6 depend from Claim 1 and therefore include the features of Claim 1. As such, Claims 2 and 6 are believed to be allowable over <u>Surya</u>.

Claim 10 depends from Claim 9. As stated above, Claim 9 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, <u>Surya</u> does not disclose each and every element recited in Claim 9. In addition, applicants respectfully submit that <u>Surya</u> does not suggest the elements recited in Claim 9. Claim 10 depends from Claim 9 and

therefore includes the features of Claim 9. For these reasons, Claim 10 is believed to be allowable over <u>Surya</u>.

Claim 22 depends from Claim 21. As stated above, Claim 21 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, <u>Surya</u> does not disclose each and every element recited in Claim 21. In addition, applicants respectfully submit that <u>Surya</u> does not suggest the elements recited in Claim 21. Claim 22 depends from Claim 21 and therefore includes the features of Claim 21. For these reasons, Claim 22 is believed to be allowable over <u>Surya</u>.

Claim 30 depends from Claim 29. As stated above, Claim 29 has been amended to recite a method of monitoring units in a group including the following steps: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, <u>Surya</u> does not disclose each and every element recited in Claim 29. In addition, applicants respectfully submit that <u>Surya</u> does not suggest the elements recited in Claim 29. Claim 30 depends from Claim 29

- 43 -

and therefore includes the features of Claim 29. As such, Claim 30 is believed to be allowable over Surya.

IV.C. The Rejection Under 35 U.S.C. § 103 as Being Unpatentable Over Fisher

Claims 2, 10, 22, and 30 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Fisher. This rejection is respectfully traversed.

Claim 2 depends from Claim 1. As stated above, Claim 1 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; (2) determining a thickness of a portion of the resource units; and (3) indicating when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group and responsive to the determination of thickness. As discussed above, Fisher does not disclose each and every element recited in Claim 1. In addition, applicants respectfully submit that Fisher does not suggest the elements recited in Claim 1. Claim 2 depends from Claim 1 and therefore includes the features of Claim 1. As such, Claim 2 is believed to be allowable over Fisher.

Claim 10 depends from Claim 9. As stated above, Claim 9 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed

from the group. As discussed above, Fisher does not disclose each and every element recited in Claim 9. In addition, applicants respectfully submit that Fisher does not suggest the elements recited in Claim 9. Claim 10 depends from Claim 9 and therefore includes the features of Claim 9. As such, Claim 10 is believed to be allowable over Fisher.

Claim 22 depends from Claim 21. As stated above, Claim 21 has been amended to recite a method of monitoring units in a group including the following steps: (1) detecting a first size of a group of resource units; and (2) indicating, based upon the thickness of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, Fisher does not disclose each and every element recited in Claim 21. In addition, applicants respectfully submit that Fisher does not suggest the elements recited in Claim 21. Claim 22 depends from Claim 21 and therefore includes the features of Claim 21. As such, Claim 22 is believed to be allowable over Fisher.

Claim 30 depends from Claim 29. As stated above, Claim 29 has been amended to recite a method of monitoring units in a group including the following steps: (1) a measurement detector for detecting a first size of the group of resource units; and (2) a controller for indicating, based upon a thickness determination of a portion of the resource units, when the group of resource units reaches a predetermined second size after the portion of the resource units has been removed from the group. As discussed above, Fisher does not disclose each and every

element recited in Claim 29. In addition, applicants respectfully submit that <u>Fisher</u> does not suggest the elements recited in Claim 29. Claim 30 depends from Claim 29 and therefore includes the features of Claim 29. As such, Claim 30 is believed to be allowable over <u>Fisher</u>.

V. Allowable Subject Matter

Applicants note the Examiner's Statement of Reasons for Allowance on pages 16 and 17. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the reasoning stated by the Examiner. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.
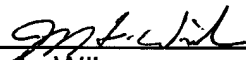
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 9-21-04

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